

## **REMARKS**

**[0002]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 27-62 are presently pending. Claims amended herein are: 27, 37, 38, 44, 47, 49, 53, 57, and 62. Claims withdrawn or cancelled herein are none. New claims added herein are none.

### **Statement of Substance of Interview**

**[0003]** The Examiner graciously talked with me—the undersigned representative for the Applicant—on October 23, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0004]** During the interview, I discussed how the claims (with proposed amendments) differed from the cited references, namely *Vallone* and *McGee*. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

**[0005]** I understood the Examiner to tentatively concur with the proposed amendment to independent claims 27 and 47. Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

**Formal Request for an Interview**

**[0006]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0007]** Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

**Claim Amendments**

**[0008]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 27, 37, 38, 44, 47, 49, 53, 57, and 62 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

**[0009]** Support for the amendments to claims 27, 37, 38, 44, 47, 49, 53, 57, and 62 is found in the specification at least in paragraphs [0052]-[0094].

## **Substantive Matters**

### **Claim Rejections under §§ 102 and 103**

**[0010]** The Examiner rejects claims 27-30, 32-46, 49, and 51-62 under § 102(b). For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

**[0011]** In addition, the Examiner rejects claims 31, 47-48, and 50 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

**[0012]** Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the case be passed along to issuance.

**[0013]** The Examiner's rejections are based upon the following references alone and/or in combination:

- **Vallone:** *Vallone, et al.*, US Patent No. 6,642,939 (issued November 4, 2003);
- **Novak:** *Novak, et al.*, US Patent Publication No. 2003/0126599 (Published July 3, 2003);
- **McGee:** *McGee, et al.*, US Patent No. 7,143,353 (issued November 28, 2006); and
- **Swenson:** *Swenson, et al.*, US Patent No. 6,064,380 (issued May 16, 2000).

## **Overview of the Application**

**[0014]** The Application describes a technology for watching the same source multimedia content at multiple locations within an environment.

## **Cited References**

**[0015]** The Examiner cites Vallone as the primary reference in the anticipation- and/or obviousness-based rejections. The Examiner cites Novak, McGee and Swenson as secondary references in the obviousness-based rejections.

### **Vallone**

**[0016]** Vallone is directed to a multimedia schedule presentation system providing a program guide area which is a list of the programs that are currently airing, was aired, or is scheduled.

### **Novak**

**[0017]** Novak describes a technology for accessing a media program and a user of the editing device designates excerpts within the media program.

McGee

**[0018]** McGee is directed to systems for bookmarking an area of interest of stored video content.

Swenson

**[0019]** Swenson describes a network computer system in which completion point file positions of multimedia file presentations may be saved in persistent memory devices when a user desires to terminate a multimedia file being presented on a display device.

## **Anticipation Rejections**

**[0020]** Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.<sup>2</sup>

### **Based upon Vallone**

**[0021]** The Examiner rejects claims 27-30, 32-46, 49, and 51-62 under 35 U.S.C. § 102(b) as being anticipated by *Vallone, et al.*, US Patent No. 6,642,939 (issued November 4, 2003). However, the present application is filed on Oct. 31, 2003, earlier than the issue date of *Vallone*. Therefore, the § 102(b) rejections are invalid rejections. Applicant presumes that the Examiner intended such rejection to be based upon § 102(e).

**[0022]** Applicant respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

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<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent Claim 27

[0023] Applicant submits that the cited references do not anticipate or make obvious at least the following features as recited in this amended claim (with emphasis added):

- presenting a user interface (UI) on a multimedia presentation system at a first locus, wherein the UI comprises a **display area listing a bookmark** bookmarked at a second locus **different from the first locus**;
- **requesting that a communicatively coupled multimedia server stream to the multimedia presentation system** the selected bookmarked multimedia program from the point of the bookmark;

[0024] In contrast, in *Vallone* :

- no **display area listing a bookmark** is disclosed;
- viewer has to view the video from the **same location** where a bookmark is made;
- no request to ask a server to stream the video to the viewer is disclosed

[0025] The Examiner relied on *McGee* for viewing at a different location. However, in *McGee*, only indices of segments (not videos) are reviewed at a remote location and the video can then be selected (not viewed) through searching the index. Also, during the in-person interview, the Examiner agreed that "the UI comprises a display area listing a bookmark bookmarked at a second locus different from the first locus" is not found in the cited references.

[0026] Consequently, the cited references do not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Independent Claim 49*

[0027] Applicant submits that the cited references do not anticipate or make obvious at least the following features as recited in this claim (with emphasis added):

- a first display area being **at a first locus** and listing bookmarks, each one being associated with one or more multimedia programs and being **bookmarked at a locus different from the first locus**;
- the **UI comprising**: a first **display area listing bookmarks**, each one being associated with one or more multimedia programs; **an executable process**, that is configured to stream a request for a multimedia program when its associated listing is selected; this **request is sent to a communicatively coupled multimedia server and asks the server to stream the multimedia program**

[0028] The Examiner indicated that the OSD in *Vallone* is a user interface. However, the OSD itself in *Vallone* does not comprise a **display area listing bookmarks and an executable process**. The Examiner listed element 103 (output module) as bookmarks, which is not true, and element 106 (CPU) as executable process. However, the OSD itself (alleged as UI) does not comprise the

output module and the CPU, which is different from the claim that the UI comprises a display area and an executable process.

**[0029]** The Examiner relied on *McGee* for viewing at a different location. However, in *McGee*, only indices of segments (not videos) are reviewed at a remote location and the video can then be selected (not viewed) through searching the index. Also, during the in-person interview, the Examiner agreed that "the UI comprises a display area listing a bookmark bookmarked at a second locus different from the first locus" is not found in the cited references.

**[0030]** Consequently, the cited references do not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Independent Claims 37, 38, 44, 53, 57, and 62*

Each of claims 37, 38, 44, 53, 57, and 62 includes at least one feature similar to the claimed features discussed above regarding claim 27, namely the UI comprising a display area listing a bookmark bookmarked at a second locus different from the first locus. Thus, these claims are allowable over the cited reference for at least similar reasons as discussed above regarding claim 27. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

Dependent Claims 28-30, 32-36, 39-43, 45-46, 51-52, 54-56, and 58-61

**[0031]** These claims ultimately depend upon independent claims 27, 38, 44, 49, 53, and 57. As discussed above, claims 27, 38, 44, 49, 53, and 57 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Obviousness Rejections**

### **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

**[0032]** Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a *prima facie* case have not been met.

### **Based upon Vallone**

**[0033]** The Examiner rejects claims 31, 47, 48 and 50 under 35 U.S.C. § 103(a). Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

### **Independent Claim 47**

**[0034]** Applicant submits that the cited references do not anticipate or make obvious at least the following features as recited in this claim (with emphasis added):

- presenting a graphic user interface (UI) on a multimedia presentation system at a resume location ("resume-locus system") that allows a user to select when to resume presentation of a multimedia program from a point of a bookmark that occurred **at another location**;

- a first display of **different locations** where the selected bookmarked multimedia program can be assumed (see Fig. 7);
- a second display of at least one of **different bookmarks within** the selected bookmarked multimedia program (see Fig. 8); and
- a third display of the bookmarked multimedia program with a bookmark **icon** (see Fig. 12);
- requesting that a communicatively coupled multimedia **server stream to** the resume-locus system;
- presenting the selected bookmarked multimedia program from the point of the bookmark and doing so at the resume-locus system **using turner-swapping or turner-sharing**

**[0035]** In contrast, in *Vallone* :

- no **display area listing a bookmark** is disclosed;
- viewer has to view the video from the **same location** where a bookmark is made;
- no request to ask a server to stream the video to the viewer is disclosed

**[0036]** The Examiner relied on *McGee* for viewing at a different location. However, in *McGee*, only indices of segments (not videos) are reviewed at a remote location and the video can then be selected (not viewed) through searching the index. Also, during the in-person interview, the Examiner agreed that "the UI

comprises a display area listing a bookmark bookmarked at a second locus different from the first locus" is not found in the cited references.

**[0037]** As shown above, the combination of *Vallone* and *McGee* does not teach or render obvious all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

**Dependent Claims 31, 48 and 50**

**[0038]** These claims ultimately depend upon independent claims 27, 47 and 49 respectively. As discussed above, claims 27, 47 and 49 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Dependent Claims**

**[0039]** In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## **Conclusion**

**[0040]** All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me or my assistant at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

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